

REMARKS

1. Preliminary Remarks

a. Status of the Claims

Claims 1-20 are pending in this application. Claims 1-3, 5, 7-10, 12-16 are amended; claims 21-31 are new; and claims 4 and 17-20 are canceled without prejudice to pursuing the canceled subject matter in an continuing application. Applicant respectfully requests entry of the remarks and amendments herein into the file history of this application. Upon entry of the amendments, claims 1-3, 5-16, and 21-31 will be pending and under active consideration.

b. Amendments to the Claims

In claim 1, the opening phrase is amended to “A friction brake assembly to act between a first component and a second component relatively moveable with respect to said first component, comprising:”. This amendment has basis in the current phrase “a pair of relatively moveable components,” but provides better antecedence for the corresponding features in claims 7-8. Corresponding amendments have been made to dependent claims 7-8 for consistency with amended claim 1. Claim 1 has been further amended by incorporation of the features of shape memory alloy elements of claim 4.

Claims 2, 3, 5, 7-10, 12 and 13 are amended so as to correct clerical errors which do not affect the scope of the claims and remove any multiple dependencies.

Claim 14 is amended to relate to the friction brake assembly of claim 1. Dependant claims 15 and 16 are amended to be consistent with amended claim 14.

Claims 21-31 have been added to reflect the friction brake assembly of claims 2-3 and 5-13. Support for new claims 21-31 can be found in the claims as originally filed.

2. Election/Restrictions

On page 2 of the Office Action, the Examiner requires election of one of the following groups of inventions under 35 U.S.C. §§ 121 and 372:

I. Claims 1-13, drawn to a brake; and

II. Claims 14-20, drawn to a prosthetic limb.

The Examiner asserts that the claims of Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because under Rule 13.2, the brake and the prosthetic limb allegedly lack the same or corresponding special technical features.

Applicant with traverse elects Group I, which relates to claims 1-3 and 5-13. Applicant submits that in view of amended claim 14, which now depends from claim 1, claim 14 also relates to the same special technical feature as claim 1—namely a friction brake assembly. Accordingly, Applicant submits that all of the instant claims are unified under PCT Rule 13.1. In view of the foregoing, Applicant respectfully requests that the Examiner reconsider and withdraw the requirement for restriction.

3. Conclusion

Applicant respectfully submits that the instant application is in good and proper order for allowance and early notification to this effect is solicited. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the instant application, the Examiner is encouraged to call the undersigned at the number listed below.

Respectfully submitted,

POLSINELLI SHUGHART PC

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